

COCP-826-2021

Date of Decision: 26.08.2021.

Sarabjit Singh

...Petitioner

vs.

Rakesh Aggarwal

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Jimmy Singla, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition is for initiating action against the respondent for intentionally and willfully disobeying order Annexure P-1 dated 24.09.2019 inCRM-M-41113-2019.
3. Learned counsel contends that vide order dated 24.09.2019, CRM-M-41113-2019 was disposed of by directing the respondent to go into the allegations made in the representation submitted by the petitioner and determine as to whether any action as per law was called for or not and in case the respondent found that no action was called for, an order giving reasons thereof, was required to be passed within two months from the date of receipt of certified copy of the order but till date needful has not been done.
4. Issue notice to the respondent to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against him.
5. Ms. Deepali Puri, Addl. A.G. Punjab, accepts notice on behalf

of the respondent and has placed on record copy of order dated 23.11.2019 filing the representation by holding the allegations leveled by the petitioner to not have been substantiated during the course of inquiry conducted by ACP (Industrial Area-B) and ADCP Zone-II. The same is taken on record. Copy thereof, supplied to learned counsel for the petitioner, who states that in the circumstances he does not press the contempt petition and the same may be disposed of as such while granting with liberty to the petitioner to challenge order dated 23.11.2019 by way of appropriate proceedings in accordance with law.

6. It needs noticing here that learned State counsel has not produced on record any document to show that order dated 23.11.2019 passed by the Commissioner of Police, Ludhiana was supplied to the petitioner earlier.

7. In view of the position noted above, although no action under the Contempt of Courts Act, 1971, is called for against the respondent, and the Contempt petition is disposed of as such, liberty is granted to the petitioner to challenge order dated 23.11.2019 by way of appropriate proceedings in accordance with law while making it clear that order dated 23.11.2019 shall be deemed to have been supplied to the petitioner today.

8. Contempt petition disposed of with aforementioned directions.

9. Rule discharged .

(B.S. Walia)
Judge

26.08.2021

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No